

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2156.05
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	July 27, 2004
DATE OF REPORT:	August 23, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	October 1, 2004

COMPLAINT ISSUES:

Whether the Northwestern School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program as written, specifically by failing to provide inservice training as described in the IEP.

FINDINGS OF FACT:

1. The Student has been determined eligible for special education and related services.
2. On November 19, 2003, the Student's case conference committee (CCC) agreed upon the following support for personnel: "Inservice to be provided regarding disability." This brief statement was the School's response to the Complainants' request for a staff inservice on the Student's neurological disorder and co-existing conditions including attention deficit hyperactivity disorder (ADHD), proprioception, sensory integration, and tactile defensiveness.
3. On an unspecified date in the fall of 2003, following the CCC meeting, the School distributed to the Student's then-current teachers an article about the neurological disorder. However, the article did not address educational issues. The article noted that the neurological disorder may lead to mental retardation or learning disability. Following a one-sentence description of learning disabilities, the article stated, "Learning disabilities are probably more common in children with [the disorder] than in other children, and may be associated with hyperactivity." . The School did not conduct an inservice training session or other meeting/discussion regarding the article.
4. In the fall of 2002, the School conducted inservice training that included information/training in attention deficit hyperactivity disorder (ADHD).
5. On May 10, 2004, the assistant director of special education and the coordinator of special education met in a staffing meeting with the Student's teachers for the 2003-2004 school year and the Student's teachers for the 2004-2005 school year. During this staffing, the administrators and teachers reviewed a brochure regarding the Student's neurological disorder. This brochure focused on educational needs and strategies.
6. On May 17, 2004, the School's occupational therapists conducted an inservice training on sensory integration, including information on proprioception and tactile defensiveness. The Student's classroom teacher and special education teacher for the 2003-2004 school year attended this inservice training, as did the Student's teachers for the 2004-2005 school year.

CONCLUSION:

1. Findings of Fact #2, #5, and #6 indicate that the School provided timely inservice training for the Student's teachers for the 2004-2005 school year. However, Findings of Fact #2, #5, and #6 indicate that the Student's teachers for the 2003-2004 school year did not receive inservice training required by the Student's IEP until the last month of the school year, more than six months after the CCC meeting. Distribution of information, as indicated by Finding of Fact #3, is not inservice training, and inservice training conducted prior to the CCC meeting, as indicated by Finding of Fact #4, is not inservice training "to be provided." Therefore, a violation of 511 IAC 7-27-7(a) occurred by failing to provide inservice training to the Student's teachers for the 2003-2004 school year, as required by the Students' IEP.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

Northwestern School Corporation and the Kokomo Area Special Education Cooperative shall develop and implement a tracking system for documenting that supports for personnel are provided, when supports are required by an IEP.

Documentation of compliance (consisting of a description of the tracking system and sample documentation forms) shall be submitted to the Indiana Department of Education, Division of Exceptional Learners, by September 30, 2004.